

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4: 13CR143 CDP-4
)	
ORLANDO PRESTON, a/k/a)	
NIZZA P. EL,)	
)	
Defendant.)	

ORDER

This matter is before the Court on the *pro se* filing of defendant Orlando Preston, who prefers to be called Nizza P. EL. The court has construed the documents as a motion challenging jurisdiction. Pursuant to 28 U.S.C. § 636(b), all pretrial motions were referred to United States Magistrate Judge Nannette A. Baker.

Defendant is representing himself. Judge Baker held a hearing on the motions on September 30, 2013. Defendant appeared at the hearing and argued the motion. Judge Baker recommended that the motion be denied. No party has filed any objections to the Magistrate Judge's recommendations, and the time for doing so has expired.

As no party has objected to the Report and Recommendation, I will adopt and sustain the reasoning of Magistrate Judge Baker as set forth in support of her recommended rulings. Judge Baker correctly determined that jurisdiction over this matter is proper. Judge Baker correctly rejected defendant's arguments that he is not subject to the jurisdiction of the court.

I have now listened to the recordings of the hearings Judge Baker held regarding this defendant. I am concerned that his participation in a joint trial may cause difficulties for any other defendants on trial, and so I am considering severing his case for trial. I will therefore hold a hearing with the Assistant United States Attorney, this defendant, and his standby counsel to determine whether his trial should be separate from that of any other defendants who go to trial.


Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [#403] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that defendant's motion challenging the court's jurisdiction [#319] is denied.

IT IS FURTHER ORDERED that the undersigned will hold a hearing on **Thursday, November 14, 2013 at 3:00 p.m. in Courtroom 14 South** to discuss

whether the trial of this defendant's case should be severed and held separately from that of the other defendants. Only this defendant , his standby counsel, and the Assistant U.S. Attorney are required to attend.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 7th day of November, 2013.